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BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
OF THE STATE OF CALIFORNIA

In the Matter of:)	NMLS FILE NO. 1639259
)	
THE COMMISSIONER OF BUSINESS)	ORDER DENYING MORTGAGE LOAN
OVERSIGHT,)	ORIGINATOR LICENSE APPLICATION
)	
Complainant,)	
v.)	
)	
MICHELLE DENISE ROBINSON,)	
)	
Respondent.)	
)	
)	

The Commissioner of Business Oversight (Commissioner) finds that:

- On October 18, 2017, Respondent, Michelle Denise Robinson (Robinson), filed an application for a mortgage loan originator license with the Commissioner pursuant to the California Financing Law¹ (CFL), in particular, Financial Code section 22105.1. The application was submitted to the Commissioner by filing a Form MU4 through the Nationwide Mortgage Licensing System & Registry (NMLS).

¹ Effective October 4, 2017, the name of the "California Finance Lenders Law" changed to the "California Financing Law." (Assem. Bill No. 1284 (2017-2018 Reg. Sess.) § 4.) For purposes of this document, a reference to the California Finance Lenders Law means the California Finance Lenders Law before October 4, 2017 and the California Financing Law on and after that date. (Cal. Fin. Code, § 22000.)

2. Between October 18, 2017 and February 9, 2018, Robinson submitted seven amended MU4 forms through the NMLS.

3. The Commissioner determined pursuant to its own investigation of Robinson's application that in 1989, Robinson was convicted of felony theft and felony theft by deception by the State of Illinois.

4. On the October 18, 2017 MU4, Robinson was asked Disclosure Question (F)(1), "Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony?" Robinson answered, "No."

5. On the October 18, 2017 MU4, Robinson was asked Disclosure Question (H)(1), which asks in pertinent part "Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic . . . court to committing or conspiring to commit a misdemeanor involving: . . . (iv) theft or wrongful taking of property . . . ?" Robinson answered, "No."

6. On or about November 15, 2017, DBO licensing staff informed Robinson that she had failed to disclose the 1989 Illinois criminal conviction and required Robinson to upload court and police documents applicable to the case in her possession, amend any previous incorrect answers, and explain why she failed to disclose the Illinois criminal case in her previous MU4 filings.

7. On or about January 10, 2018, Robinson filed an amended MU4 making changes to the Disclosure Questions section.

8. In Robinson's January 10, 2018 MU4, Robinson uploaded documents from an Illinois court clerk that indicated she had been indicted for two felony theft counts.

9. In Robinson's January 10, 2018 MU4, her response to Disclosure Question (F)(1), regarding felony convictions, remained "No."

10. In Robinson's January 10, 2018 MU4, Robinson changed her answer to Disclosure Question (H)(1), regarding misdemeanor convictions, to "Yes."

11. On or about January 25, 2018, Robinson filed an amended MU4 and uploaded additional documents from an Illinois court clerk that indicated Robinson had pled guilty to two felony theft charges.

12. In Robinson's January 25, 2018 MU4, her response to Disclosure Question (F)(1), regarding felonies, remained "No."

13. In Robinson's January 25, 2018 MU4, her response to Disclosure Question (H)(1), regarding misdemeanor convictions, remained "Yes."

14. On February 8, 2018 and February 9, 2018, Robinson filed amended MU4s to change other information; her responses to Disclosure Questions (F)(1) and (H)(1) remained "No" and "Yes," respectively.

15. Financial Code section 22109.1, subdivision (a), provides, in pertinent part:

The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes at a minimum the following findings:

...

(2) (A) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court during the seven-year period preceding the date of the application for licensing and registration, or at any time preceding the date of application, if the felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering. Whether a particular crime is classified as a felony shall be determined by the law of the jurisdiction in which an individual is convicted.

...

(3) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.

16. Financial Code section 22172, subdivision (a) provides, in pertinent part:

The commissioner may do one or more of the following:

...

(2) Deny, suspend, revoke, condition, or decline to renew a mortgage loan originator license if an applicant or licensee fails at any time to meet the requirements of Section 22109.1 or 22109.4, or withholds information or makes a material misstatement in an application for a license or license renewal.

17. Robinson's conviction of felony theft and felony theft by deception in the State of Illinois constitutes a conviction of a felony involving an act of fraud, dishonesty, or a breach of trust, or money laundering in a domestic court.

18. Robinson's initial failure to disclose her 1989 Illinois criminal convictions and subsequent failure to correctly characterize her criminal convictions as felonies rather than as misdemeanors, as well as the convictions themselves, shows Robinson's failure to demonstrate such financial responsibility, character and general fitness as to command the confidence of the community and to warrant a determination that she will operate honestly, fairly, and efficiently as a mortgage loan originator.

19. Robinson's initial failure to disclose her felony convictions shows she withheld information or made a material misstatement in an application for a license.

20. The Commissioner finds, by reason of the foregoing, that (1) Robinson has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic court and that felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering; (2) Robinson has not demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the CFL; and (3) Robinson withheld information or made a material misstatement in her application for a license.

21. On July 2, 2018, the Commissioner issued a Notice of Intention to Deny Mortgage Loan Originator License Application, Statement of Issues, and accompanying documents with respect to the above findings. On or around July 3, 2018, Robinson was served with those documents at her address of record. On or around July 9, 2018, Robinson requested a hearing on the Statement of Issues. On or around August 7, 2018, the Commissioner issued a First Amended Statement of Issues and served Robinson on that date with respect to the above findings. On or around September 5, 2018, Robinson withdrew her request for hearing.

22. Based on the foregoing findings, pursuant to Financial Code section 22109.1, the Commissioner is therefore required to deny Robinson's application for a mortgage loan originator license. The Commissioner is also authorized, pursuant to Financial Code section 22172, to deny Robinson's application for a mortgage loan originator license.

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1 NOW GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that the application
2 for a mortgage loan originator license of Michelle Denise Robinson is denied. This order is effective
3 as of the date thereof.
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5 Dated: September 25, 2018
6 Sacramento, California

JAN LYNN OWEN
Commissioner of Business Oversight

7
8 By _____
9 MARY ANN SMITH
10 Deputy Commissioner
11 Enforcement Division
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